

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
MAY 12 2005
JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

By: Hon. James C. Turk
Senior United States District Judge

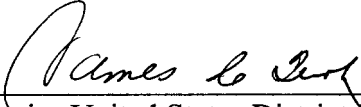
prejudice under 28 U.S.C. §1915A(b)(1) for failure to state a claim). Therefore, under 28 U.S.C. §1915(g), he is barred from filing a civil action in forma pauperis in this court unless he demonstrates that he is in imminent danger of physical harm related to his claims.

Bowler's allegations in his current complaint concern destruction of personal property and verbal threats. He does not allege any facts demonstrating that he is in imminent danger of physical harm related to his claims in this action. Accordingly, the court cannot find that he qualifies to proceed under §1915(g) without prepayment of the fee in pursuing this civil rights complaint under §1983. Therefore, the court will deny Bowler's request to proceed in forma pauperis under §1915(g). Furthermore, the court will dismiss without prejudice Bowler's apparent claims of negligence and destruction of property under state law. He includes a notice of tort claim, apparently under the Virginia Tort Claims Act. Inasmuch as Bowler has failed to meet the in forma pauperis requirements under §1915(g) or to prepay the filing fee, the court also declines to exercise supplemental jurisdiction over any supplemental state law claims, pursuant to 28 U.S.C. §1367(c).

Finally, the court concludes from the record that Bowler is well aware of his three strikes and the requirement that he prepay the fee or otherwise satisfy §1915(g). Therefore, the court will file and dismiss this action without prejudice. An appropriate order shall be issued this day.

The Clerk is directed to send certified copies of this memorandum opinion and the accompanying order to plaintiff and to counsel of record for the defendants, if known.

ENTER: This 11th day of May, 2005.



Senior United States District Judge